

FILED
UNDER
SEAL

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: Lyndsie Renee Montoya

Case Number: 2:14CR00005

Name of Sentencing Judicial Officer: Honorable Marilyn L. Huff

Date of Original Sentence: January 23, 2012

Original Offense: Possession of Cocaine with Intent to Distribute

Original Sentence: 30 months prison, followed by 36 months TSR.

Date of First Revocation: January 20, 2015

Revocation Sentence: 9 months prison, followed by 2 years TSR

Date of Second Revocation: June 5, 2017

Revocation Sentence: 6 months prison, followed by 24 months TSR

Date Supervision Commenced: October 6, 2017

Date Jurisdiction Transferred to District of Nevada: January 10, 2014

Name of Assigned Judicial Officer: Honorable Lloyd D. George

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

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- 1. Refrain from Unlawful Use of Controlled Substance - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.**

A. On December 17, 2018, Montoya tested positive for the use of methamphetamine and marijuana.

B. Montoya failed to appear for drug testing on the following dates:

July 6, 2018
July 15, 2018
August 2, 2018
September 8, 2018
November 4, 2018
November 11, 2018
December 11, 2018
December 24, 2018
January 1, 2019

- 2. Be Truthful - You must answer truthfully the questions asked by your probation officer.**

On December 17, 2018, Montoya reported to the probation office to speak with the undersigned officer and Supervisory U.S. Probation Officer Todd Fredlund. During this meeting, Montoya was questioned about her current employment status and ability to subsist. Montoya stated that she receives welfare and lives with her father who helps her out.

Montoya stated that she has not worked since May 2018. Montoya reported she was working for Limo Live, a transportation company up until May 2018 when she left on maternity leave. Montoya stated she elected to stay at home to care for her child and has not worked since.

The undersigned officer learned that Montoya was working for a cleaning company in October 2018 and was subsequently terminated. On December 27, 2018, the undersigned officer spoke with the owner of Clean Tastic whom verified that Montoya was employed with his company. The owner stated he fired Montoya on November 7, 2018 under suspicion that she burglarized one his client's businesses.

Montoya failed to answer the undersigned officer's inquiries truthfully by failing to disclose her employment with Clean Tastic and subsequent termination.

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- 3. Submit Monthly Report-** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Upon commencement of supervision, Montoya was instructed to submit monthly supervision reports by the 5th of each month.

Montoya failed to submit monthly supervision reports for the following months.

February 2018
March 2018
April 2018
May, 2018
June 2018
July 2018
August 2018
September 2018
October 2018
November 2018
December 2018

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

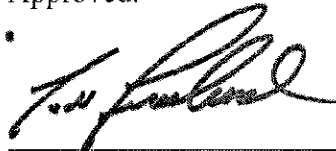
I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **December 28, 2018**

 Jason J Flores
2019.01.09
10:51:12 -08'00'

Jason Flores
United States Probation Officer

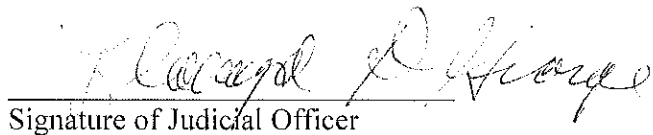
Approved:

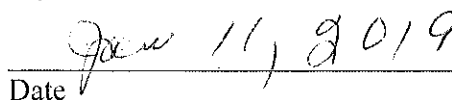
 Todd J. Fredlund
2019.01.09
10:41:19 -08'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:


Signature of Judicial Officer


Date

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. LYDSIE RENEE MONTOYA, 2:14CR00005

SUMMARY IN SUPPORT OF PETITION FOR WARRANT
December 28, 2018

By way of case history, on January 23, 2012, the Honorable Marilyn L Huff, United States District Judge Southern District of California, sentenced Montoya to 30 months imprisonment followed by 36 months of supervised release for committing the offense of Possession of Cocaine with Intent to Distribute. On October 11, 2013, Montoya commenced her first term of supervision in the District of Nevada. On January 10, 2014, Your Honor accepted jurisdiction of the case.

Montoya's first term of supervised release was revoked on January 20, 2015, after finding that she violated the terms of her supervision by using controlled substances, associating with criminals, not submitting to drug testing as required, not participating in treatment services, and absconding supervision.

Montoya commenced her second term of supervised release on October 2, 2015. On June 5, 2017, Montoya's second term of supervised release was revoked for committing a new crime-Fraudulent Use of Credit or Debit Card. On May 1, 2017, Montoya pled guilty in State Court to this charge and is currently under State supervision.

Montoya commenced her third term of supervised release on October 6, 2017. As a condition of supervised release, Montoya was required to participate and successfully complete the CARE program. To Montoya's credit, on April 16, 2018, Montoya she successfully completed the program.

As reflected in allegation 1B, Montoya has failed to report for drug and alcohol testing on multiple occasions. On December 17, 2018, Montoya reported to the probation office and met with the undersigned officer and SUSPO Fredlund to discuss her noncompliance. During the office visit, Montoya submitted to a drug test that was positive for methamphetamine and marijuana but denied use. The urine specimen was sent to the National Contracted Laboratory and was confirmed positive for methamphetamine and marijuana.

In a report dated December 18, 2018, our office informed Your Honor of the above noted violations and recommended she be sanctioned with 24 hours of community service work. On December 28, 2018, Your Honor modified Montoya's conditions of supervision to include 24 hours of community service work be completed in two months.


Since reporting the misconduct to the court, Montoya has missed two additional drug and alcohol tests.

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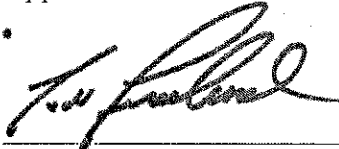
As the Court is aware, this is Montoya's third term of supervised release where she continues to struggle with compliance. As reflected in this petition, Montoya has tested positive for methamphetamine and marijuana and has missed numerous drug tests. Based on her history, there is reasonable suspicion that her failure to report for scheduled drug and alcohol testing is to avoid detection of recent drug use. Also, of significant concern is her recent termination and failure to truthfully disclose this to probation, as required. Based on the violations contained in this petition, the Probation Office recommends the issuance of a warrant to initiate revocation proceedings.

Respectfully submitted,

 Jason J Flores
2019.01.09
12:40:22 -08'00'

Jason Flores
United States Probation Officer

Approved:

•  Todd J. Fredlund
2019.01.09
10:41:50 -08'00'

Todd J. Fredlund
Supervisory United States Probation Officer